

II. Remarks

Reconsideration of the application as amended is respectfully requested. This amendment is submitted under 37 C.F.R. §1.116 wherein the claims have been put in condition for allowance or, alternatively, in better condition for appeal. In particular there has been clarification of certain of the elements recited in the claims which now render the claims clearly distinguishable over the prior art and patentable.

The application has independent claims 1, 15, 24 and 25. Claim 1 has been amended to clarify that the fishing lure has a body and a jacket installed *over* the body. This further distinguishes the claim from the structure of the patent to Fima wherein the examiner has recited the same structural element of Fima (12, 20) as being *both* the jacket and the body. The claim has been amended to recite that the body housing sidewalls are made of a light transmissive material. This is in contrast to a structure made of an opaque material simply having holes. The lure of the patent to Fima does not have a jacket but has a body with opaque sidewalls with two holes. The holes are not sidewalls. The sidewalls are not light transmissive. The light transmissive conducting fibers are not sidewalls. The claim has been amended to recite that the first linear bank of lights includes a set of light sources. This distinguishes the lights of the claimed lure from fiber optic cable which the examiner contends to be lights. This further distinguishes the claim from the structure of Fima which makes a distinction between light sources and fiber optic cables which Fima characterizes as light conducting optical fibers. Claim 1 recites that the lights sources are viewable through the sidewalls of the housing. In the patent to

BEST AVAILABLE COPY

Fima only the ends of the light conducting optical fibers which extend through holes in the sidewalls are viewable.

Claim 15 has been amended to clarify that the lights are light sources to clearly distinguish the fiber optic bundle which is recited as a separate element of the claim. A jacket is recited as being installed over the body and is made of a light transmissive material. The body housing is recited as having sidewalls made of a light transmissive material. As discussed the patent to Fima does not teach such structure. The claim recites an electronic flasher module to sequentially flash the light sources of the circular light bank to attract fish. The device of the patent to Fima does not teach an electronic flasher module. Fima has a rolling contact switch. The switch does not sequentially flash the lights. The switch simultaneously flashes the lights.

Independent claim 24 has been amended to clarify that the body housing has sidewalls made of a light transmissive material. The lights are recited as light sources. The light sources are arranged in first and second linear banks with each including a plurality of light sources. The light sources are viewable through the light transmissive sidewalls of the body. A flasher module flashes the lights sequentially, i.e. one after another. As discussed above these elements are not shown in the prior art of record.

Claim 25 has been amended to clarify that the first linear bank of lights includes a plurality of light sources. The circular light bank also includes a plurality of light sources. The circular light bank is located aft of the linear light bank. An electronic flasher module is connected to the light banks. For reasons discussed above this claim is distinguished from the prior art of record.

BEST AVAILABLE COPY


By letter dated April 15, 2005 Applicant submitted formal drawings for replacement of the drawings on file. Approval of the formal drawings and replacement of the drawings on file with the formal drawings is respectfully requested.

Respectfully Submitted,

Eric E. Aanenson, *et al.*

By Their Attorneys
Gray, Plant, Mooty, Mooty & Bennett

September 26, 2005

By: 
Robert W. Gutenkauf
Reg. No. 25,681
P.O. Box 2906
Minneapolis, MN 55402-0906

phone 612 632-3086
fax 612 632-4086

GP:1754473 v2

BEST AVAILABLE COPY